



General Assembly

Substitute Bill No. 5799

January Session, 2005

* _____ HB05799PH _____ 040405 _____ *

**AN ACT CONCERNING DISPOSITION OF UNCLAIMED CREMATED
REMAINS BY FUNERAL DIRECTORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2005*) If the person who has
2 custody and control of the remains of a deceased person pursuant to
3 section 45a-318 of the general statutes requests the disposal of the
4 deceased body by cremation or if the deceased had executed a
5 cremation authorization form in accordance with the provisions of said
6 section 45a-318, the funeral director shall complete a written form
7 containing the following information: (1) The name and address of the
8 funeral service business that is responsible for the disposal of the
9 deceased body; (2) the name of the deceased; (3) the place and time of
10 the cremation; (4) the name of the licensed funeral director or
11 embalmer; (5) the name and address of the person who has custody
12 and control of the remains of the deceased; (6) a summary of the
13 disposition, in accordance with section 2 of this act, of the cremated
14 remains, if unclaimed; and (7) a statement indicating the disposition of
15 the cremated remains requested by the person who has custody and
16 control of the remains of the deceased or a statement indicating the
17 deceased had executed a cremation authorization form in accordance
18 with the provisions of section 45a-318 of the general statutes. The
19 written form shall be signed and dated by the person who has custody
20 and control of the remains of the deceased and the funeral director. A

21 copy of the signed form shall be provided to the person who has
22 custody and control of the remains of the deceased. The original
23 signed form shall be retained at the funeral service business for not less
24 than twenty years from the date on which it was signed by the person
25 who has custody and control of the remains of the deceased.

26 Sec. 2. (NEW) (*Effective July 1, 2005*) (a) If the cremated remains are
27 not accepted by a person in accordance with the requested disposition
28 of the cremated remains on the form required by section 1 of this act or
29 by the person designated to take custody and control of the cremated
30 remains, the funeral director may dispose of such cremated remains
31 by: (1) Burial in a cemetery, (2) storage in a crypt of a mausoleum or
32 columbarium, (3) scattering, (4) burial in a memorial garden, (5)
33 storage at the funeral home, or (6) such other method identified in the
34 signed form required by section 1 of this act, provided the funeral
35 director has complied with the notice requirements of subsection (b) of
36 this section. Upon such disposal of the cremated remains, the funeral
37 director shall notify, in writing, the registrar of vital records in the
38 town from which the cremation permit for the deceased was issued
39 pursuant to section 19a-323 of the general statutes, as amended by this
40 act, of the manner in which the cremated remains were disposed. Such
41 written notice shall be attached to the cremation permit.

42 (b) If, because of the failure of the person responsible for accepting
43 the cremated remains or the person designated to take custody and
44 control of the cremated remains to accept such remains, a funeral
45 director or embalmer possesses cremated remains for more than one
46 hundred eighty days after the date of cremation, such funeral director
47 or embalmer shall provide notice, by certified mail, to (1) the person
48 who signed the form required by section 1 of this act, and (2) (A) the
49 person responsible for accepting such remains, or (B) the person
50 designated to take custody and control of the cremated remains, if
51 different from the person signing the form. Such notice shall provide
52 that if the cremated remains are unclaimed for more than ninety days
53 from the date of mailing of such notice, the remains will be disposed of
54 in accordance with subsection (a) of this section.

55 (c) Any cremated remains in the possession of a funeral director on
56 July 1, 2005, may be disposed of in the manner specified in subsection
57 (a) of this section, provided the funeral director has made a reasonable
58 attempt to notify the person who had custody and control of the
59 remains of the deceased or a relative of the decedent. Such notice shall
60 provide that if the cremated remains are unclaimed for more than one
61 hundred eighty days from the date of mailing of such notice, the
62 remains will be disposed of in accordance with subsection (a) of this
63 section.

64 Sec. 3. Section 19a-323 of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective July 1, 2005*):

66 The body of any deceased person may be disposed of by
67 incineration or cremation in this state or may be removed from the
68 state for such purpose. If death occurred in this state, the death
69 certificate required by law shall be filed with the registrar of vital
70 statistics for the town in which such person died, if known, or, if not
71 known, for the town in which the body was found. The Chief Medical
72 Examiner, Deputy Chief Medical Examiner, associate medical
73 examiner, or an authorized assistant medical examiner shall complete
74 the cremation certificate, stating that such medical examiner has made
75 inquiry into the cause and manner of death and is of the opinion that
76 no further examination or judicial inquiry is necessary. The cremation
77 certificate shall be submitted to the registrar of vital statistics of the
78 town in which such person died, if known, or, if not known, of the
79 town in which the body was found, or with the registrar of vital
80 statistics of the town in which the funeral director having charge of the
81 body is located. Upon receipt of the cremation certificate, the registrar
82 shall authorize the cremation certificate, keep it on permanent record,
83 and issue a cremation permit, except that if the cremation certificate is
84 submitted to the registrar of the town where the funeral director is
85 located, such certificate shall be forwarded to the registrar of the town
86 where the person died to be kept on permanent record. The estate of
87 the deceased person, if any, shall pay the sum of forty dollars for the
88 issuance of the cremation certificate or an amount equivalent to the

89 compensation then being paid by the state to authorized assistant
 90 medical examiners, if greater. No cremation certificate shall be
 91 required for a permit to cremate the remains of bodies pursuant to
 92 section 19a-270a. When the cremation certificate is [issued in]
 93 submitted to a town other than that where the person died, the
 94 registrar of vital statistics for such other town shall ascertain from the
 95 original burial transit removal permit that the certificates required by
 96 the state statutes have been received and recorded, that the body has
 97 been prepared in accordance with the Public Health Code and that the
 98 entry regarding the place of disposal is correct. Whenever the registrar
 99 finds that the place of disposal is incorrect, the registrar shall issue a
 100 corrected burial transit removal permit and, after inscribing and
 101 recording the original permit in the manner prescribed for sextons'
 102 reports under section 7-72, shall then immediately give written notice
 103 to the registrar for the town where the death occurred of the change in
 104 place of disposal stating the name and place of the crematory and the
 105 date of cremation. Such written notice shall be sufficient authorization
 106 to correct these items on the original certificate of death. No body shall
 107 be cremated until at least forty-eight hours after death, unless such
 108 death was the result of communicable disease, and no body shall be
 109 received by any crematory unless accompanied by the permit
 110 provided for in this section. The fee for a cremation permit shall be
 111 three dollars and for the written notice one dollar. The Department of
 112 Public Health shall provide forms for [such] cremation permits, which
 113 shall not be the same as for regular burial permits and shall include
 114 space to record information about the intended manner of disposition
 115 of the cremated remains, and such blanks and books as may be
 116 required by the registrars.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	19a-323

PH *Joint Favorable Subst.*